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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,122	05/15/2001	Steven Bruce Katz	PMT-002	1464
7590 LARIVIERE, GRUBMAN & PAYNE, LLP P.O. Box 3140 Monterey, CA 93940			EXAMINER	
			TARAE, CATHERINE MICHELLE	
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/858,122	KATZ ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	C. Michelle Tarae	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 August 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-229 is/are pending in the application.
- 4a) Of the above claim(s) 1-139 and 187-229 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 140-186 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date. _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

1. The following is a Final Office Action in response to the communication received on August 20, 2007.

Claims 1-139 and 187-229 have been withdrawn from further consideration.

Claims 140-186 are examined below.

### ***Response to Amendment***

2. No amendments have been made to the claims.

### ***Response to Arguments***

3. Applicant's arguments have been fully considered but are found unpersuasive.

In the Remarks, Applicant argues the following:

- 1) that Fox doesn't teach a computer system for discovering internal and external data, wherein the discovered internal and external data is extracted from data sources internal and external to the enterprise (page 36 of Remarks);
- 2) that Fox does not disclose a step of storing the discovered internal and external data in a data mart (page 37 of Remarks);
- 3) that Fox does not disclose the step of identifying one or more conditions related to the one item or related to procurement, sourcing, and strategic sourcing in the enterprise (page 37 of Remarks); and
- 4) that Fox's assessment of the impact or potential impact of the discovered internal and external data on procurement decisions, sourcing decisions, and strategic

sourcing decisions in the enterprise with respect to the at least one item is not the same as Applicant's invention (page 38 of Remarks).

In response to argument 1), Examiner respectfully disagrees. Col. 6, lines 10-12, explicitly disclose use of internal and external factors to determine their impact on the retail industry. That the analysis of the factors utilizes regression correlation techniques is irrelevant as the use of regression correlation techniques is not precluded in the claims, as they are currently recited. Additionally, Figure 5 illustrates a system that receives and stores both external information (i.e., economic, demographic and competitive data) and internal information (i.e., POS data, inventory, store traffic, labor, etc.) relative to a retail store. Thus, Examiner respectfully submits Fox does disclose a computer system for discovering internal and external data, wherein the discovered internal and external data is extracted from data sources internal and external to the enterprise.

In response to argument 2), Examiner respectfully disagrees. As discussed above, Figure 5 illustrates a system that receives and stores both external information (i.e., economic, demographic and competitive data) and internal information (i.e., POS data, inventory, store traffic, labor, etc.) relative to a retail store. Thus, Examiner respectfully submits Fox does disclose a step of storing the discovered internal and external data in a data mart.

In response to argument 3), Examiner respectfully disagrees. To support Applicant's argument, Applicant asserts that Fox does not meet any of the levels of sophisticated technology that are implemented in Applicant's invention...that Applicant's invention identifies which components are strategic and which are tactical...and generates a criticality rating, etc. However, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As discussed in the rejection, col. 11, lines 51-58 teach that a correlation processor is used to identify conditions (i.e., change in weather, sales, etc.) associated with deweatherized data. The conditions are deviations from the baseline that is created, where the deviations are used to revise the managerial plan. Also see col. 14, lines 52-63. Since the claims do not explicitly recite what is meant by conditions, the teaching in Fox is a reasonable one.

In response to argument 4), Examiner respectfully disagrees. Again, it appears that Applicant is arguing limitations not expressly recited in the claims. For example, Applicant argues that Applicant's assessment of impact or potential impact includes data visualization, forecasting, risk analysis and what-if scenarios. However, at best, claim 165 recites such features in the alternative, and without any specificity as to what constitutes the data visualization, forecasting, risk analysis and what-if scenarios. Accordingly, Applicant submits that Fox teaches data visualization in its discussion of

the use of a graphical user interface to output the weather-modified managerial plan (col. 19, lines 15-18). Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The remainder of Applicant's arguments appear to have the same issue discussed in arguments 3) and 4) above, where Applicant argues limitations not expressly recited in the rejected claims. Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Examiner suggests amending the claims to expressly recite the argued, alleged novelty of Applicant's invention. Applicant is reminded that without explicit teaching in the claims, Examiner is allowed to apply the broadest, reasonable teaching found in the art.

In conclusion, Applicant's arguments have been fully considered, but are found unpersuasive. The rejection is maintained and repeated below.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 140-186 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox et al. (U.S. 5,491,629).

As per claim 140, Fox et al. discloses a method implemented on a computer system via a plurality of software modules for managing a workflow process, the method assisting a user with procurement decisions, sourcing decisions and strategic sourcing decisions in an enterprise regarding one or a plurality of items, and comprising the steps of:

discovering, via one or more of the software modules, internal and external data related to at least one item based on user-defined parameters, wherein the discovered internal and external data is extracted from a plurality of data sources internal and external to the enterprise (col. 6, lines 10-19 and 33-40; Figure 5; A computer system uses internal and external data to determine an impact on the retail industry. The internal and external data is used to revise a managerial plan (i.e., make strategic decisions).);

storing the discovered internal and external data in a data mart (item 120 in Figure 1);

identifying, via one or more of the software modules, one or more conditions related to the at least one item or related to procurement, sourcing, and strategic sourcing in the enterprise of the at least one item (col. 11, lines 51-58; col. 14, lines 52-63; A correlation processor is used to identify conditions (i.e., change in weather, sales, etc.) associated with deweatherized data. The conditions are deviations from the baseline that is created, where the deviations are used to revise the managerial plan.);

analyzing, via one or more of the software modules, the discovered internal and external data, wherein an assessment is made of the impact or potential impact of the discovered internal and external data on procurement decisions, sourcing decisions and strategic sourcing decisions in the enterprise with respect to the at least one item (col. 12, lines 1-9; col. 14, lines 53-56; Analysis of the potential impact is made.);

recommending to the user, via one or more of the software modules, one or more proposed actions with respect to the procurement, sourcing or strategic sourcing of the at least one item on behalf of the enterprise based on the analysis of the discovered internal and external data (col. 8, lines 25-37; col. 18, lines 60-67; Figure 7; A revised managerial plan is generated in response to the analysis of the potential impact, where the revised managerial plan includes new/ altered (i.e., recommended) actions to the original managerial plan. Examples of a managerial plan are product buying, product distribution and labor scheduling.); and

providing to the user, via one or more of the software modules, one or more computer-initiated options for fully or partially executing one or more action(s) with respect to the procurement, sourcing or strategic sourcing of the at least one item on

behalf of the enterprise (col. 6, lines 32-39 and 46-50; col. 8, lines 32-46; The user has the option to modify the managerial plan. If the user cannot generate a managerial plan, the system then generates one.).

Fox et al. does not expressly disclose if at least one of the one or more conditions is satisfied, generating, via one or more of the software modules, at least one alert for the user. Examiner takes Official Notice that it is old and well known in workflow management processes to alert users of certain conditions in order to make the user aware of certain conditions happening during a workflow process so that the user can take certain actions at that time if necessary. It would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Fox et al. to alert a user of a satisfied condition so that the user is made aware of a certain threshold being crossed and is able to take certain actions regarding the condition, if necessary, thereby providing the user with instant feedback regarding the status of things.

As per claim 141, Fox et al. discloses the method of claim 140, wherein the discovered internal and external data stored in the data mart is organized for querying and report generation, and represented to the user in a plurality of formats (col. 6, lines 47-50; col. 8, lines 15-20; The data from the internal and external sources is queried and used to generate deweatherized managerial plans, which are provided via graphical reports.).

As per claim 142, Fox et al. discloses the method of claim 140, further comprising the step of producing, via one or more of the software modules, one or more reports based on the analysis of the discovered internal and external data, wherein the

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one or more reports provide the user with information regarding the impact or potential impact of the discovered internal and external data on procurement decisions, sourcing decisions and strategic sourcing decisions in the enterprise with respect to the at least one item, wherein the reports include information represented and/or displayed in graphical formats (col. 6, lines 47-50; col. 7, lines 11-14).

As per claim 143, Fox et al. discloses the method of claim 142, wherein the graphical formats of the information include tables, charts, graphs, and/or maps (col. 6, lines 47-50; col. 7, lines 11-14).

As per claim 144, Fox et al. discloses the method of claim 140, further comprising the step of producing, via one or more of the software modules, one or more reports based on the analysis of the discovered internal and external data, wherein the one or more reports provide the user with information regarding the impact or potential impact of the discovered internal and external data on procurement decisions, sourcing decisions and strategic sourcing decisions in the enterprise with respect to the at least one item, wherein the reports include information represented and/or displayed in non-graphical formats (col. 6, lines 47-50; The predictive model showing the weather impact is provided via a report, or non-graphical format.).

As per claim 145, Fox et al. discloses the method of claim 144, wherein the non-graphical formats of the information include news bulletins, alert boxes, and audio messages (col. 6, lines 47-50; The predictive model showing the weather impact is provided via a report, or non-graphical format.).

As per claim 146, Fox et al. discloses the method of claim 140, wherein functionalities of the workflow process are accessed by the user through one or more software modules with a user interface (col. 6, lines 47-50).

As per claim 147, Fox et al. discloses the method of claim 146, wherein the user may select one or more software modules and enter the workflow process at any point in the process, wherein the user may have control of the functionalities of the workflow process (col. 8, lines 25-37; The user may modify the managerial plan, which is a workflow process.).

As per claim 148, Fox et al. discloses the method of claim 146, wherein the user may select one or more software modules to follow the workflow process, wherein the user is guided through the functionalities of the workflow process (col. 8, lines 25-37; The user may modify the managerial plan, which is a workflow process. In accessing the managerial plan, the user has access to the functionalities of the workflow process.).

As per claim 150, Fox et al. discloses the method of claim 140, wherein the step of discovering internal and external data assists the user in identifying parameters for criteria relevant to procurement decisions, sourcing decisions and strategic sourcing in an enterprise regarding one or a plurality of items (col. 8, lines 52-64; col. 9, lines 3-25; Parameters, such as leadtimes, are used as relevant criteria to the decision making related to the managerial plan.).

Claims 149 and 151-186 recite limitations similar to those already rejected above. Therefore, claims 149 and 151-186 are rejected on the same basis as claims 140-148 and 150 above.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



C. MICHELLE TAREE  
PRIMARY EXAMINER

November 27, 2007